

**REMARKS/ARGUMENTS**

Reconsideration of the present application, as amended, is respectfully requested.

The July 30, 2009 Final Office Action and the Examiner's comments have been carefully considered. In response, an interview was conducted with Examiners Nick Corsaro and Munsoon Choo, claims are amended, and remarks are set forth below in a sincere effort to place the present application in form for allowance. The amendments are supported by the application as originally filed. Therefore, no new matter is added.

Inasmuch as the present Amendment raises no new issues for consideration, and, in any event, places the present application in condition for allowance or in better condition for consideration on appeal, its entry under the provisions of 37 CFR §1.116 are respectfully requested.

**INTERVIEW**

The courtesy of Examiners Nick Corsaro and Munsoon Choo in granting a personal interview in connection with this application is acknowledged and appreciated. The interview took place on October 27, 2009. Present at the interview were Examiners Corsaro and Choo, Applicants' attorney, Robert Michal, and a representative of the Licensee, Sami Saru.

During the interview, the present claimed invention was explained to Examiners Corsaro and Choo and proposed amendments to claims 1 and 8 were discussed. Specifically, it was explained that the features now recited in amended claims 1 and 8 are not taught, disclosed or suggested by the applied references or any of the references of record when taken either alone or in combination. As a result of the interview, Examiners Corsaro and Choo agreed that proposed amended claims 1 and 8 more clearly define over the prior art of record and overcome the obviousness rejection set forth in the July 30, 2009 Office Action, and that the amendments would be entered without the need to file a Request For Continued Examination (RCE).

REJECTION UNDER 35 USC 102

In the Office Action claims 1-8 are rejected under 35 USC 102(b) as being anticipated by an International Patent Publication No. WO 02/054803 to Kanerva ("Kanerva"), in view of U.S. Patent Publication No. 2002/0083411 (Bouthors et al.).

In response, claims 1 and 8 are amended to more clearly define the present claimed invention over the cited references. As explained to Examiners Corsaro and Choo during the October 27, 2009 interview, the present claimed invention as defined by amended claims 1 and 8 now more clearly patentably defines over

the applied art, when taken either alone or in combination, or in combination with any of the other references of record.

Kanerva is directed to a communications system including a Subscriber A terminal, a Subscriber B terminal, and message center for transmitting a message from Subscriber A to Subscriber B on the basis of address data included in the message, and a billing database for maintaining subscriber-specific billing data. The system of Kanerva also includes means for retrieving information from a third party from a database, means for transmitting information from the third party to subscriber B in connection with a message sent by Subscriber A, and means for adding at least part of the charge incurred by transmitting the message and/or at least part of the cost of the contents of the message to the billing database on the advertiser's account. Kanerva teaches that a sender may send, as a separate message from the message sent from the sender to another party, his/her advertising preferences to a server which preferences are used in adding an ad to a message to be sent to the third party.

In contrast to the teachings of Kanerva, the present claimed invention includes a user-inserted code in the message content which is being sent from the sender to the receiving party, and adding a message to the communication based upon the user-inserted code included in the communication that is being sent to

the receiving party, as explained to the Examiners during the October 27, 2009 interview. With this feature, it is possible to forward the communication to a system server where the actual addition of the message is performed in accordance with the sender's specific desires for that specific communication, and also provides the sender of the communication the ability to decide whether or not content will be added to the communication. Kanerva teaches that additional content is added to every message because the advertiser preferences are sent to the system server in a separate communication, as opposed to the present invention, which includes a user-inserted code in the message to be sent to the receiving party which relates to the message in which the user-inserted code is present.

More specifically, the method as defined by amended claim 1 differs from the method disclosed in Kanerva in that the communication server sends messages to the system server only in reaction to a code in the communication, whereas according to Kanerva, all the messages are sent to the system server. This means that all the messages, i.e., also messages of senders that have not subscribed to the advertiser-sponsored sending of messages, are sent to the system server. The system server is thus fully incorporated in the telecommunication system and has to meet the standards regarding reliability and confidentiality

to which the telecommunication provider is subjected, and if the system server malfunctions or breaks down, all communication of messages via the telecommunications center is affected. This causes a substantial threshold that needs to be overcome in the implementation of advertiser-sponsored transmission of messages. Moreover, the transmission of messages between the switching center MSCA and the system center constitutes a relatively large stream of data.

In contrast, according to the present claimed invention, only the messages to which advertisements need to be added are diverted to the system server, such messages having been sent by senders who have chosen to accept the processing of the messages so that advertisements are to be added. Since the message to which no advertisements are to be added are processed directly in the communication server, the flow of data between the system server and the communication server are substantially reduced and malfunction or breaking down of the system server does not affect the possibility of sending messages without adding advertisements thereto. Thus, a system server meeting lower standards of reliability and confidentiality than the telecommunication network can be accepted. This in turn allows the maintenance of the system server to be left to the responsibility of the provider(s) of advertiser-sponsored message transmission

programs, since the only messages handled thereby are messages of senders who have accepted the advertiser-sponsored message transmission program.

A redistribution of tasks according to the invention defined by claim 1 is not obvious over Kanerva. First, there is no hint in Kanerva with respect to any problem regarding reliability, confidentiality and distribution of responsibility associated with the implementation of advertiser-sponsored sending of messages via a switched network. Secondly, Kanerva discloses some alternatives involving the provision of several message centers, but in all these alternatives the messages are always passed through one of the message centers. Thus, providing the feature that messages are diverted to a system server only in reaction to a code in the communication breaks away from the concept disclosed in Kanerva of processing all the messages in one or more message centers.

In view of the foregoing, it is respectfully submitted that claim 1 is patentably different from the teachings of Kanerva.

Bouthors et al. do not close the gap between the present claimed invention as defined by amended claim 1 and Kanerva. Therefore, claim 1 is patentable over Kanerva and Bouthors et al. when taken either alone under 35 USC 102, or in combination under 35 USC 103.

None of the other references of record close the gap between the present claimed invention as defined by amended claim 1 and Kanerva when taken in combination with Bouthors et al. Therefore, claim 1 is patentable over Kanerva and Bouthors et al. and all of the references of record.

Claim 8 includes the same limitation which was added to claim 1 to more clearly define the invention over the prior art of record. Claim 8 is patentable over all of the references of record for reasons, *inter alia*, set forth above in connection with claim 1.

Claims 2-7 are either directly or indirectly dependent on claim 1, and are patentable over the cited references in view of their dependence on claim 1 and because the references do not disclose, teach or suggest each of the limitations set forth in claims 2-7.

In view of all of the foregoing, claims 1-8 are in form for immediate allowance, of which action is earnestly solicited.

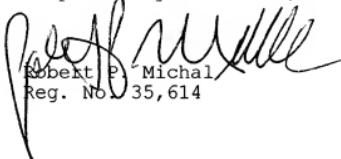
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Entry of this Amendment under the provisions of 37 CFR 1.116, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner disagrees with any of the foregoing, the Examiner is respectfully requested to point out where there is support for a contrary view.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

  
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